

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

ROBERTO GUTIERREZ CISNERO,

Defendant.

8:9CR198

ORDER

Defendant, proceeding *pro se*, has filed a document requesting free copies of documents regarding his criminal case. ([Filing No. 142](#).) He has also requested transcripts of his plea and sentencing hearings. Defendant contends that he needs these documents to prepare a petition for writ of habeas corpus.

Defendant has not filed a motion to proceed in forma pauperis. However, litigants do not have the right to receive copies of documents without payment, even if they are indigent. See [Lewis v. Precision Optics, Inc.](#), 612 F.2d 1074, 1075 (8th Cir. 1980). Defendant is free to contact the Clerk's Office for the United States District Court to request copies. However, copies will not be provided without pre-payment.

Although an indigent defendant bringing a postconviction proceeding under 28 U.S.C. § 2255 may have a transcript prepared at the government's expense if the suit is not frivolous and the transcript is needed to decide the issue presented by the dispute, any request for a free transcript prior to the filing of a § 2255 motion is premature. See [Chapman v. United States](#), 55 F.3d 390 (8th Cir. 1995); [United States v. Losing](#), 601 F.2d 351, 352 (8th Cir. 1979). To date, Defendant has not filed a § 2255 motion.

Accordingly,

IT IS ORDERED that Defendant's request for free copies ([Filing No. 142](#)) is denied. The Clerk of Court is directed to notify Defendant of the cost of copies per page and to send him a request for transcript form.

Dated this 4th day of October, 2018.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge